

REMARKS

Claims

In the amendments above, Claims 30-32 and 40-42 have been amended, Claims 37 and 47 have been cancelled, and new Claims 50 and 51 have been added, to more particularly point out and distinctly claim Applicants' invention.

Drawing Objection

The drawings have been objected to. The Examiner's attention is directed to the amendment to page 3 above as well as the seven sheets of replacement drawings attached hereto. It is believed that the amendments to clearly identify door jamb 25 should overcome the bases of the objection.

§112 Rejection

Claims 30 to 49 have been rejected under 35 U.S.C. §112, second paragraph. The Examiner's attention is directed to the amendments above, which are believed to overcome the bases of this rejection.

Prior Art Rejections

Claims 30-35 and 40-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith, British Patent Application No. 2,265,664 ("Smith") in view of Barnes, U.S. Patent No. 306,806 ("Barnes"). The Examiner maintains that Smith discloses a security system for a doorway comprising a door frame constructed in an opening of a wall and having two vertical sides, a door jamb attached vertically to and extending the length of one vertical side of the door frame, the door jamb having at least one opening to receive a locking member 21, and a door sized and shaped to fit within the door frame, the door having a front surface, a rear surface, a top surface, a bottom

surface, a free vertical edge portion, and a hinged vertical edge portion, the free vertical edge portion comprising at least one lockset having a locking member 21, the security system comprising a first U-shaped reinforcing member 2 capable of being securely affixed to the first vertical edge portion of the door, said reinforcing member comprising a steel, extending substantially along the first vertical edge portion of the door, having at least one opening 8 for passage of a locking member 21, and comprising a base member 5 and two substantially perpendicularly positioned side members 3 and 4, each of the side members having a proximal edge and distal edge and a substantially planar surface extending from the proximal edge to the distal edge, and the base member having a substantially planar surface, and a second reinforcing member 10 capable of being securely affixed to the door jamb, said second reinforcing member having at least one opening 15 for passage of a locking member 21, wherein the U-shaped reinforcing member has a cross-sectional opening with a width that is slightly less than the width of the door, and wherein force applied against the front or rear surface of the door will be transmitted through at least one locking member to the second reinforcing member to the door frame, the locking member 21 is a dead bolt, a door latch, screws, and that Smith is silent concerning the first U-shaped reinforcing member extending along the full length of the door. The Examiner also maintains that, however, Barnes discloses a door security system comprising a reinforcing member B extending the full length of the door and that it would have been obvious to one of ordinary skill in the art to provide the first U-shaped reinforcing member of Smith with extending the full length of the door, as taught by Barnes to increase the strength of the reinforcing member and thus the effectiveness of the security system.

The Examiner took official notice that a door width of about 1.75 inches is well known in the art.

Claims 36 and 46 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above,

and further in view of Stein, U.S. Patent No. 5,475,044 ("Stein"). The Examiner maintains that Stein discloses a silicon adhesive and that it would have been obvious to one of ordinary skill in the art to provide Smith, as modified above, with an adhesive, as taught by Stein, to more securely attach the reinforcing member to the door.

Claims 37 and 47 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above. The Examiner maintains that Smith is silent concerning the length of the second reinforcing member; that, however, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use; and that, accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the second reinforcing member with a length of at least 12 inches to provide adequate strength to the security system.

Claims 38 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above, and further in view of Francis, U.S. Patent No. 4,865,370 ("Francis"). The Examiner maintains that Francis discloses a second reinforcing member 60 having a tubular member 66 to receive a locking member, and that it would have been obvious to one of ordinary skill in the art to provide Smith, as modified above, with a tubular member, as taught by Francis, to further increase the strength of the security system.

Claims 39 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Barnes as applied to Claims 30-35 and 40-45 above, and further in view of Zarzycki, U.S. Patent No. 6,406,076 ("Zarzycki"). The Examiner maintains that Zarzycki discloses a metal door 202, and that it would have been obvious to one of ordinary skill in the art to use the invention as taught by Smith, as modified above, with a

metal door, as taught by Zarzycki, so that the combination of the security system with the increased strength of a metal door will provide increased security.

Discussion

Applicants respectfully traverse the above rejections under §103(a).

As was discussed with the Examiner during a recent personal interview, for which Applicants again thank the Examiner, the invention herein is directed to a security system comprising a first reinforcing member that fits securely on the edge portion of a door and a second reinforcing member that is attached to the jamb of a door frame. The inventive system, that is, a combination of a first reinforcing member and a second reinforcing member, each having specified characteristics, has been developed to provide a security system where forces applied to a door by an alleged perpetrator are transmitted to the door frame in such a way that the door and any locking mechanism remain intact.

Smith and Barnes have been combined by the Examiner to support his position that embodiments of the invention set forth in Claims 30-35 and 40-45 are obvious in view of the combination of these two references. Applicants respectfully submit that this combination does not suggest Applicants' invention.

More particularly, Smith discloses a security device comprising a first, C-shaped plate and a jamb plate. The C-shaped plate is intended to be slipped over the edge of a door or window in the proximity of a locking means. The jamb plate is intended to provide reinforcement to a frame or jamb surrounding the door or window.

While the C-shaped plate has some features that are consistent with the U-shaped member according to Applicants' invention, the C-shaped plate is clearly intended to be positioned merely around the locking means. (See, for example, page 2, lines 12-15, of Smith.) There is no teaching or suggestion that the C-shaped plate of Smith is intended to extend substantially along the edge of a door beyond the proximity of any locking

means, as is required by Applicants' claims. This is a significant factor since the limited size of the Smith C-shaped plate means that it will not and can not function to transmit force along the longitudinal edge of a door as occurs according to Applicants' invention.

At lines 14-15 of page 4 of the Office Action, the Examiner seems to equate a perceived characteristic of Smith "extending substantially along the [free] vertical edge portion of the door" with the actual claim limitation "extending substantially along the length of the free vertical portion of the door" (emphasis added) in Claims 30 and 40. Applicants point out that the perceived characteristic of Smith is NOT the same as, and is distinctly different from, Applicants' claim limitation, as discussed above. Having a member in the vicinity of the locking means is far different from a reinforcing member that extends substantially the full length of the free vertical edge portion of the door.

Further, the Examiner has equated Smith's reference at page 5, lines 17-18, to "fit snugly" to the feature of Applicants' invention where the cross-sectional width of the opening of the U-shaped member is less than the width of the door. Applicants point out that "fit snugly" is not the same as a U-shaped member over-bend mounted and having a cross-section with a tapered shape that firmly engages the edge of a door to achieve a frictional fit, as happens according to Applicants' invention. The fact that Smith teaches securing the C-shaped member to the door with 32 screws to keep the member from falling off is a clear indication that "fit snugly" is not the same as the frictional fit engagement that is achieved according to Applicants' invention.

The Examiner has combined Smith with Barnes due to Barnes' apparently longitudinally extending first member. First of all, Applicants respectfully submit that this combination is inappropriate because there is no motivation for one skilled in the art to combine aspects of the two different systems. Smith teaches a security system, and Barnes teaches a "door-protector" with anti-warpage longitudinal components and a mortise lock-area reinforcement component. One skilled in the art would not be

motivated to include the anti-warping components from Barnes in the security system of Smith. Picking and choosing elements from essentially unrelated references, as the Examiner has done here, is not a substitute for motivation.

Component B, "the metallic plate secured to such front edge ..." (lines 30-31 of Barnes) is not a reinforcing member, as characterized by the Examiner; rather, it functions to prevent warping (see, for example, lines 10-14 of Barnes). In addition, it should be noted that the Barnes' longitudinal member is a flat (not U-shaped) piece applied to the edge of the door with screws that are spaced apart in a linear, longitudinal manner. One skilled in the art would appreciate that applying screws in this fashion creates a line of weakness such that the resulting door is more vulnerable to attack as compared to, for example, Applicants' invention. Also, Barnes' device is designed for a mortise lock and not a deadbolt lock such as is the focus of Applicants' invention. Further, applying the Barnes' device to a door would cause problems with weather stripping and closure on the door jamb.

The combination of features or elements from Smith and Barnes that the Examiner maintains would be obvious to one skilled in the art to make a better security system would very likely have the opposite effect. More specifically, the combination that the Examiner proposes of the Smith two-plate security combination with the anti-warping components described by Barnes would result in whatever security is provided by Smith's apparatus being compromised by the inherent weakness created in the edge of the door by the linearly spaced screws used to fasten Barnes' flat device to the door edge.

As further support for Applicants' position that the claims herein are not obvious in view of the combination of Smith and Barnes, Applicants enclose herewith a Declaration of James P. Griffin, Jr., one of the inventors. Mr. Griffin provides comments regarding the Smith and Barnes references as well as information regarding the

unexpected commercial success thus far of the DOOR SAFE SYSTEMS™ door security system corresponding to the claims herein.

Applicants respectfully suggest that the combination of Smith and Barnes does not teach or disclose Applicants' invention and that the rejection of Claims 30-35 and 40-45 under § 103(a) should be withdrawn.

Smith and Barnes, either by themselves or in combination with Stein, Francis, or Zarzycki, have been applied to support rejections of Claims 36-39 and 46-49 under § 103(a). Applicants respectfully suggest that in view of the deficiencies of the combination of Smith and Barnes, as pointed out above, the further combination or application of Smith and Barnes and/or combination with Stein, Francis, or Zarzycki does not suggest these other claims. Accordingly, the rejections under § 103(a) based upon Smith and Barnes and Stein, Francis, or Zarzycki should also be withdrawn and Claims 36-39 and 46-49 should be allowed.

Telephonic Interviews

Applicants appreciate the Examiner's having made himself available for recent telephonic interviews/discussions of Smith and Barnes and of proposed amendments to the specification and claims to overcome the rejections set forth in the Office Action. As has been mentioned to the Examiner, Applicants believe that the present amendments to the claims distinguish over Smith and Barnes, especially with regard to the manner in which the first reinforcing member grips the free vertical edge of the door and extends substantially the length of that vertical edge.

An aspect of discussions with the Examiner concerned the best way to describe the cross-sectional shape of the U-shaped reinforcing member, where the dimension across the opening of the U-shaped member is smaller than the inside width dimension of opposite interior piece, which width in turn substantially corresponds to the width of the

door. The resulting cross-section is essentially trapezoidal in nature. Claims 30, 40, 50, and 51 refer to the U-shaped reinforcing member being “over-bend mounted to the free vertical edge portion of the door ...,” which is functional language to express this same cross-sectional shape.

The Examiner referenced the terminology “over bend” as used in the specification. Applicants explained that “over bend” (or “over-bend” as it sometimes appears) is a metalworking term used to denote one type of crimping situation. While Applicants believe that the meaning of “over bend” is clear in the context in which it is used in the specification, the Examiner’s attention is directed to the attached, exemplary printout from www.larsonstool.com. The term “over-bend” appears in the section entitled “Bending and Folding.”

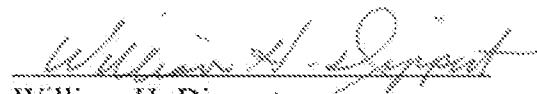
Conclusion

Applicants respectfully submit that the amendments to the specification and claims overcome the objections and rejections set forth in the Office Action. In the event that the claims herein are allowable but for a minor matter that could be subject of a supplemental response or an Examiner's Amendment, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

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